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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 1782**
Yoshifumi NAGAI et al. : Attorney Docket No. 2003_1175
Serial No. 10/646,738 : Group Art Unit 2629
Filed August 25, 2003 : Examiner Jeffrey J. Piziali
IMAGE DISPLAY APPARATUS :
AND CONTROL METHOD THEREOF

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated December 22, 2006, the Examiner identified the application as containing claims directed to seven different species. The Examiner has required the Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted.

In response to the Examiner's requirement, Applicants elect Species II, drawn to the second embodiment. Claims 1-11 and 14-20 are readable on the elected species.

In addition, regarding the seven species identified by the Examiner, Applicants note that while the specification indicates that there are seven different embodiments, these embodiments do not all include mutually exclusive characteristics of one another, and therefore, do not all correspond to separate species.

In this regard, Applicants note a restriction to different species is proper only when one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first (see MPEP § 806.04(f)). This is frequently expressed by saying that claims to be restricted to different species must recite mutually exclusive characteristics.

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ACCOUNT NO. 23-0975

Applicants submit that if any of the elected claims are found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application. Having made the required election, a full examination on the merits of the elected invention is hereby requested.

Respectfully submitted,

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